



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

MUNDY'S EX'RS v. GARLAND et al.

Nov. 16, 1911.

[72 S. E. 713.]

Judgment (§ 180*)—Summary Proceeding—Motion—Action on Contract.—A contract authorized plaintiffs, as executors of defendants' vendor under a contract for the sale of real estate, to resell the land, which defendants had previously agreed to purchase at the price of \$9,500, and obligated defendants, if on such resale the property should bring less than such sum, to pay the difference, with interest and costs and expenses incurred in the resale. Held, that such contract was one by which, on the happening of certain things, defendants bound themselves to pay money, the amount of which, after the happening of the contingency provided for, was a mere matter of calculation, and hence plaintiffs were entitled to a judgment on motion, under Code 1904, § 3211, providing that any person, entitled to recover money by action on any contract, may, on motion before any court which would have jurisdiction in an action otherwise than under section 3215 of the Code, obtain judgment for such money.

[Ed. Note.—For other cases, see Judgment, Cent. Dig. § 342; Dec. Dig. § 180.* 10 Va.-W. Va. Enc. 127, 128.]

Error to Circuit Court, Botetourt County.

Proceedings by notice and motion by James Mundy's executors against J. L. Garland and others. On defendants' motion the proceeding was dismissed without prejudice, and plaintiffs bring error. Reversed and remanded.

C. M. Lunsford and E. V. Barley, for the plaintiffs in error.
Benjamin Haden, for the defendants in error.

CARDWELL, J., absent.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.